

## UNITED STATES DISTRICT COURT

for the  
Eastern District of WashingtonFILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Aug 13, 2018

SEAN F. McAVOY, CLERK

EMPIRE HEALTH FOUNDATION,  
for Valley Hospital Medical Center,

Plaintiff

v.

THOMAS E. PRICE, M.D., Secretary  
of the United States Department of  
Health and Human Services,

Defendant

Civil Action No. 2:16-CV-209-RMP

## JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) \_\_\_\_\_ recover from the  
defendant (*name*) \_\_\_\_\_ the amount of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment  
interest at the rate of \_\_\_\_\_ %, plus post judgment interest at the rate of \_\_\_\_\_ % per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_  
\_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_

☒ other: Plaintiff's Motion for Summary Judgment, ECF No. 34, is GRANTED IN PART as to Empire's procedural claims and DENIED IN PART as to Empire's substantive claims, SSI-entitlement assessment claim, and Medicare Part C claim. Defendant's Cross-Motion for Summary Judgment, ECF No. 46, is DENIED. Plaintiff's challenge to the validity of the assessment of Medicare Part C days is remanded to the Provider Reimbursement Review Board. The Secretary is to calculate the Plaintiff Hospital's DSH payment for the 2008 fiscal year and to make prompt payment of any additional amounts due to the Plaintiff Hospital plus interest calculated in accordance with 42 U.S.C. §1395oo(f)(2). For the purposes of assessing the Medicare fraction of the disproportionate patient percentage for the Plaintiff Hospital, the Secretary is enjoined from applying the policy adopted in the 2005 Final Rule that unpaid Medicare Part A days are "days entitled to benefits under [Medicare] part A." Judgment is entered for the PLAINTIFF. The Parties will each bear their own costs.

This action was (*check one*):

☒ decided by Judge Rosanna Malouf Peterson on a motion for

Summary Judgment, ECF No. 34 and Cross-Motion for Summary Judgment, ECF No. 46.

Date: 8/13/2018

CLERK OF COURT

SEAN F. McAVOY

s/ Lennie Rasmussen

(By) Deputy Clerk

Lennie Rasmussen